GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Elections – Bye-elections to 124-Badvel (SC) Assembly Constituency, Kadapa district of Andhra Pradesh State scheduled to be held on **30.10.2021 (Saturday)** – Designating of Police Officers Under Sec.28 (A) of Representation of the People Act, 1951, who are involved in election related duties – Orders – Issued.

GENERAL ADMINISTRATION (ELECTIONS.A) DEPARTMENT

G.O.Rt.No.1652 **Dated: 05.10.2021**

Read the following :-

1. From the Secretary, Election Commission of India, New Delhi, Order No.434/EOS26/94/MCS/2129, dated 24.10.1994.
2. From Election Commission of India, New Delhi, Press Note No. ECI/PN/83/2021, dated 28th September, 2021

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O R D E R:

In accordance with the provisions under Section 28 (A) of the Representation of the People Act, 1951, the following Police Officers in the State of Andhra Pradesh, who are involved in Law & Order and other duties connected with conduct of the ensuing Bye-Election to 124-Badvel (SC) Assembly Constituency, Kadapa district of Andhra Pradesh State scheduled to be held on 30.10.2021 (Saturday) are deemed to be on deputation to Election Commission of India.

i. Director General of Police, Andhra Pradesh, Mangalagiri
ii. Additional Director General of Police (L&O), Andhra Pradesh, Mangalagiri
iii. Inspector General of Police (L&O), Andhra Pradesh, Mangalagiri
iv. The Deputy Inspector General of Police, Andhra Pradesh, Mangalagiri
v. The Superintendent of Police, Kadapa district.
vi. The Additional Superintendents of Police, Administration and Law & Order, Kadapa district.
vii. All the Sub-Divisional Police Officers working under the jurisdiction 124-Badvel (SC) Assembly Constituency, Kadapa district.
viii. All the Inspectors of Police working under the jurisdiction of 124-Badvel (SC) Assembly Constituency, Kadapa district.
ix. All the Sub-Inspectors of Police working under the jurisdiction of 124-Badvel (SC) Assembly Constituency, Kadapa district.
x. All the Head Constables working under the jurisdiction of 124-Badvel (SC) Assembly Constituency, Kadapa district.
xi. All the Police Constables working under the jurisdiction of 124-Badvel (SC) Assembly Constituency, Kadapa district.
xii. Any other Police Officers serving for the time being in the Police Department, who are involved in any way in election related arrangements or performing duties in connection with conduct of the 124-Badvel (SC) Assembly Constituency, Kadapa district of Andhra Pradesh State scheduled to be held on 30.10.2021 (Saturday)

(P.T.O)

2. The above officers shall be deemed to be on deputation to the Election Commission of India from 1.10.2021 (Friday) (Date of Notification) to 5.11.2021 (Friday) (Date before which election shall be completed) or the date of declaration of result of the said election, whichever is earlier and accordingly, they shall, during that period, be subject to the control, superintendence and discipline of the Election Commission of India.

3. The Director General of Police (HoPF), Andhra Pradesh, Mangalagiri is requested to communicate these orders to all concerned noted under para (1) above and ensure that all the instructions of the Election Commission of India as well as Chief Electoral Officer, Andhra Pradesh are followed scrupulously and to conduct the Bye-Elections in a free, fair and peaceful manner.

(By ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. VIJAYANAND
CHIEF ELECTORAL OFFICER &
E.O.PRL.SECRETARY TO GOVERNMENT

To
The Director General of Police (HoPF), Andhra Pradesh, Mangalagiri.
The Principal Secretary to Government, G.A (Political) Dept., Andhra Pradesh
The Principal Secretary to Government, Home Department, Andhra Pradesh
The Additional Director General of Police (L&O), Andhra Pradesh, Mangalagiri.
The Additional Director General of Police(Intelligence), AP, LIC Colony, Vijayawada.
The Deputy Inspector General of Police (L&O), Andhra Pradesh, Mangalagiri.
The Deputy Inspector General, Kurnool Range.
The Superintendent of Police, Kadapa district.
The Returning Officer, 124-Badvel (SC) Assembly Constituency
The Collector & District Election Officer, Kadapa district.
(with a request to communicate the orders to all concerned under their control)
All the Police officials concerned. through: The Director General of Police (HoPF), Andhra Pradesh, Mangalagiri

Copy to :
Sri Sumit Mukherjee, Sr.Principal Secretary ECI, New Delhi.
Sri Avinash Kumar, Secretary, ECI, New Delhi.
The P.S. to the Chief Secretary, Andhra Pradesh, Velagapudi.
The P.S. to Chief Electoral Officer, Andhra Pradesh, Velagapudi.
SC/SF

//FORWARDED::BY ORDER//

Nageswari

SECTION OFFICER

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/**83**/2021

Dated:28th September, 2021

PRESS NOTE

Subject: Schedule for Bye-elections in Parliamentary/ Assembly Constituencies of various States – reg.

The Commission has reviewed the situations related to pandemic, flood, festivals, cold conditions in certain regions, feedback from concerned States/UT and taken into consideration all facts and circumstances and it has decided to hold bye-elections to fill vacancies in three (3) Parliamentary Constituencies of UT of Dadra & Nagar Haveli and Daman & Diu, Madhya Pradesh and Himachal Pradesh and thirty (30) vacancies in Assembly Constituencies of various States as per details given below:

Sl. No.	State/UT	Parliamentary Constituency No. & Name
1.	UT of Dadra & Nagar Haveli and Daman & Diu	Dadra & Nagar Haveli
2.	Madhya Pradesh	28-Khandwa
3.	Himachal Pradesh	2-Mandi

Sl. No.	State	Constituency No. & Name
1.	Andhra Pradesh	124-Badvel (SC)
2.	Assam	28-Gossaigaon
3.	Assam	41-Bhabanipur
4.	Assam	58-Tamulpur
5.	Assam	101-Mariani
6.	Assam	107-Thowra
7.	Bihar	78-Kusheshwar Asthan (SC)
8.	Bihar	164-Tarapur
9.	Haryana	46-Ellenabad
10.	Himachal Pradesh	08-Fatehpur
11.	Himachal Pradesh	50-Arki

12.	Himachal Pradesh	65-Jubbal- Kotkhai
13.	Karnataka	33-Sindgi
14.	Karnataka	82-Hangal
15.	Madhya Pradesh	45-Prithvipur
16.	Madhya Pradesh	62-Raigaon (SC)
17.	Madhya Pradesh	192-Jobat (ST)
18.	Maharashtra	90-Deglur (SC)
19.	Meghalaya	13-Mawryngkneng (ST)
20.	Meghalaya	24-Mawphlang (ST)
21.	Meghalaya	47-Rajabala
22.	Mizoram	4-Tuirial (ST)
23.	Nagaland	58-Shamtorr-Chessore (ST)
24.	Rajasthan	155-Vallabhnagar
25.	Rajasthan	157-Dhariawad (ST)
26.	Telangana	31-Huzurabad
27.	West Bengal	7-Dinhata
28.	West Bengal	86-Santipur
29.	West Bengal	109-Khardaha
30.	West Bengal	127-Gosaba(SC)

The Commission has decided to hold these bye-elections to fill vacancies and has fixed the dates of poll events as per provisions under Section 30 and date of withdrawal under Section 30(c) of the Representation of the People Act, 1951. The schedule of bye election is as follows:

Schedule 1: For Assembly Constituency of Andhra Pradesh, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Rajasthan, Telangana and Parliamentary Constituency of UT of Dadra & Nagar Haveli and Daman & Diu, Himachal Pradesh, Madhya Pradesh.

Poll Events	Schedule 1
Date of Issue of Gazette Notification	01.10.2021 (Friday)
Last Date of Nominations	08.10.2021 (Friday)

Date for Scrutiny of Nominations	11.10.2021 (Monday)
Last Date for Withdrawal of candidatures	13.10.2021 (Wednesday)
Date of Poll	**30.10.2021 (Saturday)**
Date of Counting	02.11.2021 (Tuesday)
Date before which election shall be completed	05.11.2021 (Friday)

Schedule 2: For Assembly Constituency of Assam, Bihar and West Bengal	
Poll Events	**Schedule 2**
Date of Issue of Gazette Notification	01.10.2021 (Friday)
Last Date of Nominations	08.10.2021 (Friday)
Date for Scrutiny of Nominations	11.10.2021 (Monday)
Last Date for Withdrawal of candidatures	16.10.2021 (Saturday)
Date of Poll	**30.10.2021 (Saturday)**
Date of Counting	02.11.2021 (Tuesday)
Date before which election shall be completed	05.11.2021 (Friday)

1. ELECTORAL ROLL

The published Electoral Rolls for the aforesaid Assembly Constituencies w.r.t 01.01.2021 will be used for these elections.

2. ELECTRONIC VOTING MACHINES (EVMs) and VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-election in all the

polling stations. Adequate numbers of EVMs and VVPATs have been made available and all steps have been taken to ensure that the polls are conducted smoothly with the help of these machines.

3. IDENTIFICATION OF VOTERS

Electoral Photo Identity cards (EPIC) shall be the main document of identification of a voter. However, any of the below mentioned identification documents can also be shown at the polling station:

i. Aadhar Card,
ii. MNREGA Job Card,
iii. Passbooks with photograph issued by Bank/Post Office,
iv. Health Insurance Smart Card issued under the scheme of Ministry of Labour,
v. Driving License,
vi. PAN Card,
vii. Smart Card issued by RGI under NPR,
viii. Indian Passport,
ix. Pension document with photograph,
x. Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, and
xi. Official identity cards issued to MPs/MLAs/MLCs.

4. MODEL CODE OF CONDUCT

The Model code of conduct shall come into force with immediate effect in the district(s) in which the whole or any part of the Assembly constituency going for election is included, subject to partial modification as issued vide Commission' s instruction No. 437/6/1NST/2016-CCS, dated 29th June, 2017 (available on the commission's website).

5. INFORMATION REGARDING CRIMINAL ANTECEDENTS

The Commission has prescribed timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

The consolidated instructions on this matter is available on the Commission's website under the following hyperlink https://eci.gov.in/files/file/12265-broad-guidelines-of-election-commission-of-india-on-publicity-of-criminal-antecedents-by-political-parties-candidates/

This is in furtherance of the judgment of the Hon'ble Supreme Court of India dated 13.02.2020 and 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors., which has been circulated to political parties

vide Commission's letter dated 26.08.2021. In pursuance of the direction given under Para 73.v of the judgment, now, Format C-7 should be published by the political parties **within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations.**

The Commission has also prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

The consolidated instructions on this matter is available on the Commission's website under the following hyperlink https://eci.gov.in/files/file/12265-broad-guidelines-of-election-commission-of-india-on-publicity-of-criminal-antecedents-by-political-parties-candidates/

6. BROAD GUIDELINES TO BE FOLLOWED DURING THE CONDUCT OF BYE-ELECTIONS /ADJOURNED POLL DURING the period of COVID-19

The Commission has issued broad guidelines on 21st August, 2020. Also, it has issued further guidelines on 09.10.2020, 09.04.2021,16.04.2021, 21.04.2021, 22.04.2021, 23.04.2021 and 28.04.2021 available on Commission's website eci.gov.in or link https://eci.gov.in/candidate-political-parties/instructions-on-covid-19/. Also, vide letter No.40-3/2020-DM-I(A) dated 28th August, 2021, instructions for implementation of targeted and prompt actions for COVID management has been extended by MHA up to 30th September, 2021. After taking inputs from the political parties/Chief Electoral Officers and keeping the extant instructions of MHA/MoHFW in view, the Commission has further strengthened these guidelines. Further, the Commission's all instructions relating to conduct of General Election in West Bengal during the COVID-19 period shall also be *mutatis mutandis* applicable for these bye-elections/adjourned poll.

All stake holders shall abide by these instructions. State Government concerned shall take all appropriate actions/measures in compliance to these instructions as follows.

1	**Nomination**	During Pre and post nomination procession, public meeting prohibited / Only three vehicles permitted within a periphery of 100 meters of RO's office. No procession for nomination shall be permitted.
2	**Campaign period**	

	(a) Meeting for	
	(i) Indoor	30% of allowed capacity or 200 persons, whichever is less. A register will be maintained to count the number of people attending the meeting.
	(ii) Outdoor	With 50% of capacity (as per Covid-19 guidelines) or 1000 in the case of Star Campaigners and 50% of the capacity or 500 in all other cases. In either case, the allowed number is whichever is less. The entire area will be cordoned off and will be guarded by the police. The count of people entering the ground will be monitored. Expenditure for the cordoning/barricading will be borne by the candidate/party. Only those grounds which are cordoned/barricaded completely will be used for rallies.
	(b) Star Campaigners	Number of Star Campaigners restricted to 20 for these bye-elections for National /State recognized parties and 10 for un-recognized registered parties in the wake of the Covid-19 pandemic.
	(c) Road show	No Roadshow shall be allowed and No Motor/Bike/Cycle rallies to be allowed
	(d) Street corner meeting	Maximum 50 persons shall be allowed (Subject to availability of space and compliance to COVID-19 guidelines.)
	(e) Door to door campaign	Door to door campaign with 5 persons including candidates/their representatives.
	(f) Campaign through video van	Not more than 50 audiences shall be allowed in one cluster point subject to availability of space and compliance to covid guidelines.
	(g) Use of vehicles for campaign	Total vehicles allowed for a candidate/political party (excluding Star Campaigner):- 20 Maximum no. of persons allowed per vehicle 50% of the capacity.
3	**Silence period**	The silence period is 72 hours before the end of poll.
4	**Poll day activities**	1. Maximum 2 vehicles with 3 persons each shall be allowed. Security as per the applicable extant guidelines.

		2. Poll day activity on polling station as per ECI guidelines.
5	**Counting day**	DEOs to take appropriate measures to prevent crowding. Social distancing and other COVID safety protocols to be strictly adhered to at all the times during counting.

7. All such activities will be strictly complied as per the Covid-19 guidelines issued by competent authorities. Social distancing and use of mask, sanitizers, thermal scanning, face shield, hand gloves, etc., as per COVID-19 protocol, have to be complied with. SDMA is responsible for all preventive and mitigation measures to ensure adherence to COVID protocol. Chief Secretary and DG and district level authorities will be responsible for monitoring, supervision and compliance of covid-19 guidelines.

8. If a candidate or political party violates any of the above guidelines, no more permission shall be given to the concerned candidate/party for rallies, meetings etc. If any star campaigner violates the COVID protocols, he shall not be allowed to campaign further in that constituency/district.

9. All polling personnel and election officials including the private persons engaged in the election duty shall be **double vaccinated** before taking their services.

10. Candidate/election agent/polling agent counting agent/driver etc. whoever is coming in contact with the public or election officials have to be **double vaccinated**.

11. One health worker to be appointed as COVID nodal officer for each Polling Station.

12. CS/DG and concerned DMs/SPs shall take enough preventive measures and make necessary arrangements to ensure that no poll related violence occurs during pre and post poll.

13. In the light of advisory issued by the Health Ministry of GoI, ECI will keep a close watch on the evolving situation and may further tighten the guidelines for the upcoming elections.

(SANJEEV KUMAR PRASAD)
SECRETARY

INSTRUCTION SI.NO. 36

Election Commission's Order No.434/1/ES026/94 MCS, dated 24.10.1994 addressed to Chief Secretary/CEOs of all States/Uts

Subject: Designation of Police Officers by State Govt. U/S 28A of RP Act, 1951

ORDER

The Commission vide its order no. 4/93/JS-II dated the 6th January, 1993, had clarified that all police officers and police personnel starting with the Directors General of Police/Inspectors General of Police/Commissioners of Police at the top level, officers immediately subordinate to them, including but not limited to Director Generals, Additional Director Generals, Senior Superintendent Polices Superintendent Polices, Deputy Superintendent Polices and down to Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables (including home guards, ex-servicemen etc.) who are involved in any way in election-related arrangements perform duties in connection with the conduct of elections. They all are thus, by law, officers of the Commission being on deputation to it and are subject to its control, superintendence and discipline and are answerable to the Election Commission for any acts of commission or commission on their part while performing any election-related duties.

2. The Commission had also clarified that like-wise the officers and personnel of Central Police Forces and armed police forces of a State or Special Security Forces, if any, deployed on election - related duties in any State/Union Territory, are also subject to the control, superintendence and discipline of the Commission.

3. The Commission further clarified that the legal position should be immediately brought to the notice of all police officers and police personnel mentioned above for their information and compliance. It may be impressed upon them that any lapse on their part in the performance of their election-related duties will be viewed by the Commission appropriately.

4. In its letter of even number dated 26th July, 1993 the Commission had further elaborated and clarified that in so far as election related arrangement and coordination is concerned, since these are supervised by the Chief Secretary to the Government, he will be deemed to be an officer of the Election Commission while coordinating and supervising the election-related work in the State/Union Territory and will be subject to its control, supervision and discipline within the meaning of Article 324(6) of the Constitution read with section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951. Further as the Home Secretary to the State Government coordinates and supervises the arrangements relating to the maintenance of law and order in the State at the time of elections and performs election related duties he will also be subject to the overall control, superintendence and discipline of the Election Commission within the meaning of the aforementioned provisions of the Constitution and the Representation of the People Act in so far as election related work is concerned.

5. In order that there are no lacunae and misgivings in any one's mind, the Commission has directed that in future the State Governments shall designate all police officers from the level of Director General of Police/Additional Director General of Police/Inspector General of Police/ Commissioner of Police at the top level, officers immediately subordinate to them and up to the level of head-constable and

constable involved in any way in election-related duties, specially under section 28A of the R.R Act, 1951, as soon as the elections are announced and in any case not later than the 3rd day after the date of notification of general election or bye election.

6. Regardless of the nature of election (whether a general election or a bye election) the State Govt. shall invariably designate:

i) The Director General of Police/Additional Director General of Police, Inspector General of Police; and

ii) In a general election, all the police officers below the level of Director General of Police borne on the strength of the State Government; and

iii) In the case of a bye-election the Additional DG/DIG/Commissioner of Police under whose jurisdiction the constituency falls, and all police officers below them in the districts/ constituencies concerned, as designated officers for the purpose of section 28A of the R.R Act, 1951.

7.The Commission has further directed that where any State Government/Union Territory Administration fails to designate any individual police officer or class of police officers of any rank, as directed herein above under section 28A of the Representation of the People Act, 1951, the Commission will insist and ensure that such police officers will not be allowed to deal with any election related work in any manner whatsoever.

8.The Commission has also directed that compliance report in this regard in respect of the State of Goa and Sikkim shall reach by 1700 hours on 25th October, 94 and in respect of the States of Andhra Pradesh and Karnataka after the 3rd day of the date of notification calling for the general elections.

This shall be treated as a standing order for all future elections/bye-elections.